



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Machine Cast, Inc.--Request for  
Reconsideration

**File:** B-234986.2

**Date:** May 22, 1989

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### **DIGEST**

Where protester has not shown that government officials acted fraudulently or in bad faith, or failed to consider vital information bearing on the firm's responsibility, dismissal of a protest of the Small Business Administration's failure to issue a certificate of competency is affirmed.

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### **DECISION**

Machine Cast, Inc., requests that we reconsider our dismissal of its protest of the Small Business Administration's (SBA) refusal to issue it a certificate of competency (COC). We dismissed the protest because our Office generally does not review SBA decisions to issue or not to issue a COC.

Upon receipt of our dismissal, Machine Cast protested directly to the Army. The Office of the Secretary of the Army replied by letter dated April 12, 1988, stating that it does not consider protests of award, and indicating that our Office has the authority to consider protests. MCI bases its request for reconsideration on Army's reply.

We affirm our dismissal.

This Office does not review SBA's refusal to issue a COC unless the protester can show either that government officials may have acted fraudulently or in bad faith, or that SBA failed to consider vital information bearing on the firm's responsibility. Bid Protest Regulations, 4 C.F.R. § 21.3(m)(3) (1988); AguaSciences International, Inc.--Request for Reconsideration, B-225452.2, Feb. 5, 1987, 87-1 CPD ¶ 127. Machine Cast has made no such showing here.

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We point out that the Army's letter of April 12 does not state that our Office will review Machine Cast's particular protest. It merely states that our Office has the general authority to review bid protests. As indicated above, we do not, however, review protests like the one here, which is based on the contention that the SBA improperly failed to issue a COC, because the SBA is authorized by statute, 15 U.S.C. § 637(b)(7) (1982), to certify conclusively as to all elements of a small business concern's responsibility. All Seasons Construction & Roofing, Inc., B-230299, June 28, 1988, 88-1 CPD ¶ 613.

The dismissal is affirmed.

  
James F. Hinchman  
General Counsel